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10/09/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,972	10/06/2003	Peter Irrgang	05727-00021	1809
21918	7590	07/09/2007	EXAMINER	
DOWNS RACHLIN MARTIN PLLC			ROWAN, KURT C	
199 MAIN STREET				
P O BOX 190			ART UNIT	PAPER NUMBER
BURLINGTON, VT 05402-0190			3643	
			MAIL DATE	DELIVERY MODE
			07/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/679,972	IRRGANG ET AL.	
	<b>Examiner</b> Kurt Rowan	<b>Art Unit</b> 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 March 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) 3,4,7,11 and 13 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-2, 5-6, 8-10, 12 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All. b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date *March 23, 2007*.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5, 6, 8, 9, 10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Curran et al. (US 5503579) for substantially the same reasons stated in the last Office Action.

The patent to Curran in reference to claims 1, 5, 9, shows a fly fishing assembly having a rod with a handle region 18 with a butt end and inherently a tip end (not shown).

Curran shows a reel 12 having a reel seat body at 10 and a fixed reel lock component such as ring 34 and a movable reel lock such as rings 36 located near the butt end of the fishing rod. Curran shows a handle in the handle region. The handle has a butt end proximate the reel seat body and providing a hand grip for a user when the user is properly gripping the fly fishing rod assembly during use. Curran shows a removable floatation device 40 that acts as a semi-cylindrical body when mounted on the fishing rod as shown in Fig. 1. The floatation device has a top surface and side surfaces adapted to be joined with the rod. The semi-cylindrical body is adapted to partially surround portions of the reel seat body adjacent the reel 12 and extends toward the butt end of the rod past the fixed reel lock component and toward the moveable reel lock

component thereby covering a portion of the reel seat body as shown in Fig. 1. Currant shows the cowl 44 having as semi-circular body having top and side surfaces adapted to be abuted to the butt end of the handle. The body is adapted to partially surround portions of the reel seat body adjacent the reel and substantially seamlessly 24 extend the handle toward the butt end of the rod past the fixed reel lock component to cover a portion of the reel seat body as shown in Fig. 1. In reference to claims 2 and 10, Currant shows the top surface of the body and the side surfaces as having convex trailing bottom edges and a convex trailing end such as at 62 in Fig. 5 and at the other end of the body (not labeled). In reference to claims 8 and 12, Currant shows the cowl is adapted to be removably joined with the rod handle.

#### **REMARKS**

Claims 3-4, 7, 11, and 13 remain withdrawn by the examiner. Currant discusses up-locking and down-locking in column 3, lines 21-55 and that both are known in fly fishing rods. Further, the claims should recite the present invention in more structure to overcome Currant especially in the area of the body and the cowl. Applicant's remarks concerning the new references cited on the supplemental IDS have been noted and no further comment is deemed necessary at this time.

#### ***Response to Arguments***

3. Applicant's arguments filed March 23, 2007 have been fully considered but they are not persuasive. Applicant argues that Currant does not show some of the limitations recited in claims 1, 2, 5, 6, 9, such as a semi-cylindrical body having top and side surfaces adapted to be butted to the butt end of the handle...adapted to...seamlessly

extend the handle toward the butt end of the rod past the fixed reel lock component toward the moveable reel lock component thereby covering a portion of the seat body. Clearly Currant covers a portion of the reel seat body as shown in Fig. 1. Currant also seamlessly extends the handle toward the butt end of the rod past the fixed reel lock component and toward the moveable reel lock component as also shown in Fig. 1. Currant can be considered to have a seamless extension of the handle as shown in Fig. 1 where the fastener 24 wraps around the handle since no seam is shown. Currant has a top surface 44 and side surfaces 24, 26. Currant shows a convex trailing edge 64 in fig. 2. Currant shows convex corners in Fig. 4 which can be considered to be a convex trailing edge.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kurt Rowan  
Primary Examiner  
Art Unit 3643

KR